

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Application of Southwestern Bell Telephone)	
Company to Provide Notice of Intent to File an)	
Application for Authorization to Provide In-Region)	Case No. TO-99-227
InterLATA Services Originating in Missouri)	
Pursuant to Section 271 of the Telecommunications)	
Act of 1996.)	

**SBC MISSOURI'S UPDATED STATUS REPORT AND RENEWED
RECOMMENDATION TO ADOPT VERSION 3.0 OF SBC MISSOURI'S
PERFORMANCE MEASUREMENTS**

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") submits this update to its February 5, 2004, Status Report and Renewed Recommendation to Adopt Version 3.0 of SBC Missouri's Performance Measurements, which was filed pursuant to the Commission's January 16, 2004 Order Directing Filing ("Order"). This update brings to the Commission's attention recent action taken by the Texas Public Utility Commission ("Texas Commission") determining not to impose performance measures upon tariffed special access services provided by Southwestern Bell Telephone, L.P., d/b/a SBC Texas ("SBC Texas"). As explained below, this development affords another opportunity for this Commission to now adopt Version 3.0 of SBC Missouri's performance measurements by granting the Amended Proposed Order filed with the Commission in SBC Missouri's February 5 Status Report:

1. On March 18, 2002, SBC Missouri filed with the Commission its Motion to Update Attachment 17 of the Missouri 271 Interconnection Agreement ("M2A"), the purpose of which was to recommend that the Commission substitute SBC Missouri's proposed Version 2.0 performance measures in lieu of the Version 1.7 performance measures which the Commission approved in March, 2001. The Version 2.0 measures had resulted from the 2001 SBC Southwest-wide performance measures collaborative ("2001 Six-Month Review"). The

Commission did not approve or reject the use of Version 2.0. On May 16, 2003, SBC Missouri filed with the Commission its Status Report and Proposed Order to Update Attachment 17 of the M2A, recommending that the Commission adopt SBC Missouri's Version 3.0 measures, the set of measures which resulted from the 2002 Six-Month Review.¹ On February 5, 2004, SBC Missouri filed with the Commission its Status Report and Renewed Recommendation to Adopt Version 3.0 of SBC Missouri's Performance Measurements.

2. In both its March, 2002, Motion to Update Attachment 17 of the M2A and its May, 2003, Status Report and Proposed Order, SBC Missouri noted that it did not agree with certain modifications included in the proposed Version 2.0, including a requirement to implement new measurements intended to assess its performance in the provisioning of tariffed special access services.² SBC Missouri pointed out that, under the express terms of Section 6.4 of Attachment 17 of the M2A, "[a]ny changes to existing performance measures . . . shall be by mutual agreement of the parties and, if necessary, with respect to new measures and their appropriate classification, by arbitration."³ SBC Missouri recommended that the Commission adopt the undisputed revisions to SBC Missouri's performance measures, consistent with the provisions of Section 6.4 of Attachment 17 of the M2A.

¹ Version 2.0 has since been supplanted by Version 3.0 in Arkansas, Kansas and Texas.

² Motion to Update Attachment 17 of the M2A, at pp. 3-4; Status Report and Proposed Order to Update Attachment 17 of the M2A, at pp. 4-5. In particular, the Texas Commission entered an order finding that "to the extent a CLEC orders special access in lieu of UNEs, SWBT's performance shall be measured as another level of disaggregation in all UNE measures." Section 271 Compliance Monitoring of Southwestern Bell Telephone Company of Texas, Project No. 20400, Order No. 33 Approving Modifications to Performance Remedy Plan and Performance Measurements (June 1, 2001), at p. 88 of matrix attached thereto. Changes in measures that resulted from the 2001 Six-Month Review, to which SBC Texas likewise had not agreed, involved PM 1.2 (Accuracy of Actual Loop MakeUp Information Provided for DSL Orders), and PM 13 (Order Process percent Flow Through) which also involved computation of liquidated damages and assessments. However, as the Commission Staff accurately reported in April, 2002, the issues associated with these changes have been resolved. Staff's Response to Southwestern Bell Telephone, L.P. d/b/a Southwestern Bell Telephone Company's Motion to Update Attachment 17 of the Missouri 271 Interconnection Agreement (April 11, 2002), at p. 3. SBC Missouri's Version 3.0 measures reflect the results of the resolution in the same manner as does the Version 3.0 measures which have been implemented in Arkansas, Kansas and Texas.

³ Motion to Update Attachment 17 of the M2A, at p. 2; Status Report and Proposed Order, at p. 4.

3. In its March, 2002, Motion to Update Attachment 17 of the M2A and its May, 2003, Status Report and Proposed Order, SBC Missouri noted that the Texas Commission voted to reconsider the matter of special access performance measures and to allow the issue be developed as a separate arbitration proceeding. That Texas arbitration proceeding later commenced and has now been concluded.

4. In its April 2, 2004 Order Approving Arbitration Award,⁴ the Texas Commission approved a February 27, 2004, Arbitration Award⁵ which determined not to impose special access performance measures upon SBC Texas. Based on a comprehensive hearing record, the Arbitration Award concluded that WorldCom (the chief proponent of such measures) “is not using SBC Texas’ tariffed special access services ‘in lieu of UNEs’ because of some unilateral action or inaction on the part of SBC Texas,”⁶ a charge WorldCom had made at the 2001 Six-Month Review. Rather, the Arbitration Award found that “CLECs order special access circuits instead of UNEs, at the outset, because they cannot meet the FCC’s local use restrictions.”⁷ The Arbitration Award also determined that SBC Texas had not erected any “inappropriate or improper [special access] provisioning barriers,” that a comprehensive monitoring process was already in place to address and report special access results to interested customers, and that SBC Texas’ provisioning of special access had improved and was currently satisfactory.⁸

⁴ Petition of Southwestern Bell Telephone Company for Arbitration Regarding the Implementation of Special Access Performance Measures, Docket No. 24515, Order Approving Arbitration Award (April 2, 2004) (Exhibit A hereto).

⁵ A copy of the February 27, 2004 Arbitration Award approved by the Texas Commission is attached hereto as Exhibit B.

⁶ Arbitration Award, at p. 11.

⁷ Id.

⁸ Id., at p. 12. Given the result of the Order Approving Arbitration Award, the Commission need not address the Texas Commission’s apparent view that Sections 251, 252 and 271 of the federal Telecommunications Act would have provided it authority to adopt performance measures for special access services had it determined that special access services were being discriminatorily substituted for UNEs. Order Approving Arbitration Award, at p. 3.

5. With the disposal in Texas of what has been shown to be a collateral performance measurements issue, the time is now more ripe than ever for this Commission to adopt the Version 3.0 performance measures, as first proposed by SBC Missouri in its May 16, 2003, Status Report and Proposed Order to Update Attachment 17 of the M2A, and as urged again in its February 5, 2004, Status Report and Renewed Recommendation to Adopt Version 3.0 of SBC Missouri's Performance Measurements. The commissions in Arkansas, Kansas and Texas have adopted Version 3.0 and this Commission should do the same. Doing so would ensure that SBC Missouri's performance measurements would stay abreast with more recent developments in the telecommunications market. On the other hand, not doing so would ensure that the quality and timeliness of SBC Missouri's wholesale performance will continue to be assessed under an outdated system of measurements embraced by none of the other commissions within Southwestern Bell Telephone L.P.'s five operating states.

6. There is little question that both CLECs and SBC Missouri have been ill-served by the continued reporting of wholesale performance under an outdated system of measurements. Four examples illustrate:

- PM 4 (OSS Interface Availability) captures, as a percentage, the time during which various operations support systems ("OSS") interfaces are actually available to the CLECs, as compared to the scheduled hours of availability. While both Versions 1.7 and 3.0 of PM 4 disaggregate, or "break down," the reported data to capture the availability of specific OSS interfaces, only Version 3.0 of PM 4 provides an even more granular disaggregation of reported data based on the type of pre-order function involved, e.g., customer service inquiry (i.e., pulling the customer service record for an account), address validation, telephone

number functions, loop qualification, due dates, dispatch, circuit facility assignment, PIC/LPIC assignment and other functions. Absent these more granular disaggregations, CLECs would not have the benefit of data reflecting SBC Missouri's OSS interface availability relative to these several pre-ordering functions used by CLECs.

- Version 3.0 features a new measure entitled PM 12.2 (Percent Mechanized Line Loss Notifications Returned Within One Day of Work Completion), which captures the timeliness of “line loss notifiers” sent to CLECs. A line loss notifier appraises the CLEC that it has “lost” the end user customer (typically to another CLEC or to SBC Missouri). Such notifiers, and the timeliness of receiving them, have been regarded by CLECs as important. While Version 1.7 of SBC Missouri's performance measures does not capture any aspect of SBC Missouri's provision of line loss notifiers to CLECs, Arkansas, Kansas and Texas CLECs whose interconnection agreements incorporate the commission-approved Version 3.0 measures receive data under PM 12.2 that specifically reports the timeliness of line loss notifiers provided to them.
- PM 39 (Mean Time to Restore) captures, as an average, the duration of time between SBC Missouri's receipt of a customer's trouble report and the time when the trouble is cleared. While both Versions 1.7 and 3.0 of PM 39 disaggregate the reported data to capture SBC Missouri's UNE-P performance relative to “dispatch” vs. “no dispatch,” and “affecting service” vs. “out of service,” only Version 3.0 of PM 39 provides an additional and more granular disaggregation of reported data based upon the class of service (i.e., “business” vs. “residence”).

Absent this further disaggregation, CLECs are not apprised of the timeliness of SBC Missouri's trouble restorals for business UNE-P arrangements relative to residence UNE-P arrangements.

- Staff's February 5, 2004 Update filed in compliance with the Commission's Order observed SBC Missouri's inability to meet the benchmark performance standard for PM 2-12 (Percent Responses Received Within "X" Seconds – OSS Interfaces (Request for Telephone Number (Verigate))). But that observation does not adequately assess SBC Missouri's performance, because the benchmark for PM 2-12 under Version 1.7 (on which the Staff relied) was changed in Version 3.0 of the measure. Specifically, under Version 1.7, the performance standard for PM 2-12 is a benchmark of 80% of responses in at least 4 seconds, and 90% of responses within at least 6 seconds. However, under Version 3.0, the benchmark for PM 2-12 is 95% of responses within at least 10 seconds.⁹ The new benchmark resulted from the recognition during the fall, 2002 Six-Month PM Review in Austin, Texas, that based upon certain functionalities added to the Telephone Number pre-ordering inquiry negotiated with the CLECs,¹⁰ an adjustment to the performance benchmark was appropriate. The updated benchmark is reasonable and rational, as it is based on real world considerations, while the Version 1.7 benchmark against which Staff assessed SBC Missouri's performance is not. And, under the new Version 3.0 standard, SBC Missouri performed at a level of over

⁹ PM 2-12 in Version 1.7 was renumbered as PM 2-02 in Version 3.0.


¹⁰ These functionalities include accessing databases and other reference sources that were not available in prior versions, providing Telephone Number Pooling Status and supporting true Telephone Number reservation. They were developed as a result of Plan of Record OSS upgrades to which SBC committed to the FCC when the FCC approved SBC's merger with Ameritech.

95% in ten of the last twelve months ending in February 2004, and over 94.5% in each of the other two months.

7. In sum, given the Texas Commission's decision not to impose special access performance measurements upon SBC Texas, and the obvious benefits to both CLECs and SBC Missouri that would result from performance reporting under Version 3.0 of SBC Missouri's performance measures, SBC Missouri respectfully urges the Commission once again to adopt the proposed updates to Attachment 17 of the M2A which were contained in Exhibit A of SBC Missouri's May 16, 2003 Status Report and Proposed Order to Update Attachment 17 of the M2A, and to adopt the Amended Proposed Order which accompanied SBC Missouri's February 5, 2004, Status Report and Renewed Recommendation to Adopt Version 3.0 of SBC Missouri's Performance Measurements.

Respectfully submitted,

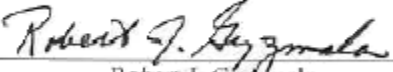
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the Service List by electronic mail and/or U.S. mail on 6th day of April, 2004.


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